



FED EX OVERNIGHT MAIL APPROVAL FORM

SHIP DATE: 2016/03/24
ATTENTION TO: Daryl Himes, RCRA Enforcement Section Enforcement and Compliance Branch
COMPANY: Resource Conservation and Restoration Division, U.S. EPA, Region 4
ADDRESS: 61 Forsyth Street, SW
CITY: Atlanta STATE/PROVINCE: GA ZIP CODE: 30303
TELEPHONE: (404) 562-8614 RESIDENCE: YES NO
SHIPPER NAME: T Fitzpatrick EXT: 5172 DEPT CODE (REQUIRED): 10LE

CONTENTS: Letter, Attachments

I certify that this shipment does not include a hazardous material regulated by the US Department of Transportation, Transport Canada or any other regulatory agency.

SHIPPER SIGNATURE

- PRIORITY (Delivered by 10:30AM in most locations)
 STANDARD (Delivered by 3:00PM in most locations)
 ECONOMY (Delivered 2nd day by 5:00PM in most locations)
 EXPRESS SAVER (Delivered within 3 days)
 GROUND SERVICE (Delivery times vary)

SIGNATURE REQUIRED: YES NO

- All packages for shipment should be brought to the Mail room no later than **4:30PM** to ensure package can be prepared for same day shipment. Packages received after 4:30 PM may not ship the same day.
- Please pay particular attention to delivery type as this impacts the shipping cost.

NOTE:

- Packages cannot be shipped to PO BOXES
- Shipments to Canada must have valid phone numbers
- Delivery section **must** be completed
- Department code **must** be entered or package will NOT be sent
- UNDER NO CIRCUMSTANCES MAY HAZARDOUS MATERIALS BE DELIVERED TO THE MAILROOM. CONTACT TRANSPORTATION COMPLIANCE FOR GUIDANCE.



Clean Harbors Florida, LLC.
7001 Kilo Avenue
Bartow, Florida 33830
863.533.6111
www.cleanharbors.com

March 28, 2016

Sent via Email and Fed Ex

Daryl Himes
RCRA Enforcement Section Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. EPA, Region 4
61 Forsyth Street, SW Atlanta, Georgia 30303

**Re: Notice of Opportunity to Show Cause
Clean Harbors Florida LLC
7001 Kilo Avenue
Bartow, Florida 33830**

Dear Mr. Himes:

I am writing in response to the above referenced Notice of Opportunity to Show Cause (dated March 7, 2016 and received at the Clean Harbors Florida, LLC's ("Clean Harbors") facility on March 14, 2016. Pursuant to your request, this letter includes information describing any actions that the facility has taken and/or intends to take related to the observations documented in the RCRA CEI Report.

Additionally, the facility respectfully requests a teleconference to show cause why the EPA should not take formal enforcement action against the facility relative to this matter. We have conveyed our request for a teleconference via email to you as well.

Clean Harbors has reviewed the Notice of Opportunity to Show Cause and offers the following information concerning actions taken to address potential issues with the movement of railcars containing hazardous waste while undergoing 10-day transfer at the Transflo rail siding in Tampa, FL. This information is provided in a good faith effort to resolve EPA's concerns. It is Clean Harbors' intention and expectation that nothing in this response shall be construed as an admission, or used against Clean Harbors in any administrative or judicial proceeding. Clean Harbors expressly reserves any and all defenses it might have to the matters set forth herein and does not intend to waive any of those defenses by making this response.

"People and Technology Creating a Better Environment"



Clean Harbors Florida, LLC.

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EPA Observation:

UTLX Car 041241 was accepted by Clean Harbors at the Transflo Hookers Point, Florida rail car facility on March 2, 2015. The contents of the rail car containing a 4,155 gallon hazardous waste heel originated at the Geocycle LLC facility located in Holly Hill, South Carolina under hazardous waste manifest 007621320 FLE on February 4, 2015. After its acceptance on March 2, 2015, the rail car was not filled and/or shipped out as is for cleaning until April 1, 2015.

During the time period of the management/storage of the rail car from March 2, 2015 through April 1, 2015, the rail car was not managed within a permitted hazardous waste storage facility.

Clean Harbors Response:

By way of clarification, the Hookers Point and Transflo locations are not owned and/or operated by Clean Harbors but are instead owned by CSX and its associate companies. Please note that these are two (2) distinct locations. Hookers Point is a railyard and Transflo is a 10-day transfer rail siding in Tampa that Clean Harbors utilizes for the loading of railcars with hazardous wastes.

When a railcar has been placed at Hookers Point and is ready to be moved to Transflo for loading/shipment, Clean Harbors is notified by the railroad. After the car is moved to the Transflo location, Clean Harbors works with CSX and Transflo to have the railcars loaded and shipped out of the Transflo location within 10 days. Records are not available for this railcar's movements. Clean Harbors does not have any information that indicates this railcar was not loaded/shipped from the Transflo location within the 10 day transfer time allowed for that rail siding. Following EPA's inspection, Clean Harbors subscribed to a third party service to provide information on rail car movements and placements. For this shipment, Clean Harbors does not have knowledge of other railcar movements/placements as it was not yet using this visibility/tool.

EPA Observation:

UTLX Car 041234 was accepted by Clean Harbors at the Transflo Hookers Point, Florida rail car facility on April 15, 2015. Previously, the railcar was shipped with a 2,597 gallon hazardous waste heel from a Clean Harbors facility located Deer Park, Texas under Manifest MDN 007059297 FLE on March 30, 2015. On April 15, 2015 when the rail car arrived at the Transflo Hookers Point, Florida facility to be filled, the railcar was transferred to a constructive placement facility on April 17, 2015, where it remained until the manifest MDN 007059297 was signed by Clean Harbors and the railcar was recalled for filling on May 14, 2015. The railcar was filled and sent off-site after being filled on May 15, 2015. During the time period of the management/storage of the rail car from April 15, 2015 through May 14, 2015, the rail car was not managed within a permitted hazardous waste storage facility.



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Clean Harbors Response:

See above for clarification of the distinction between the Hookers Point and Transflo locations, which are owned by CSX.

As previously discussed, when a railcar has been placed at Hookers Point and is ready to be moved to Transflo for loading/shipment, Clean Harbors is notified by the railroad Clean Harbors then works with CSX and Transflo to have the railcar loaded and shipped from the Transflo location within 10 days. All available records for this railcar's movements, which are maintained by a 3rd party service that obtains information directly from the railroad, are attached. These records indicate the subject railcar was loaded and shipped from Transflo within the 10 day transfer time allowed for this rail siding.

Actions Taken:

Clean Harbors, CSX and Transflo have been working together to better communicate railcar positions and movements. Clean Harbors has also subscribed to the 3rd party service referenced herein, which can provide such information so Clean Harbors can help better manage railcar movements/placements with CSX and Transflo. This service, coupled with enhanced communication protocols between Clean Harbors, CSX, and Transflo, have resulted in better railcar visibility at all times. Due to the operational needs of CSX and Transflo, Clean Harbors does not have the ability to control all railcar movements other than those in and out of the Transflo location. Clean Harbors does now have improved visibility and communications for railcar placements since related matters were first questioned by the DEP.

Clean Harbors will address any additional questions or comments concerning these matters during the requested show cause teleconference. Please contact me at (781) 792-5172 to schedule said conference.

Sincerely,

A handwritten signature in black ink, appearing to read "Timmery Fitzpatrick".

Timmery Fitzpatrick
Senior Environmental Attorney
Clean Harbors Environmental Services, Inc.

Enclosure

Car Movement Report

CLEAN HARBORS ENVIRONMENTAL SE

Customer: CLH1 SubFleet: ALL Date Range: 01/01/2015 - 12/15/2015
 Equip Init: ALL Equip Nbr: 41234 - 41234

----Current----		Elapsed					---Destination---		
City	State	Movement	L/E	Date - Time	Days	Road	Misc	City	State
UTLX 41234	FL	DEPARTURE	E	05/14/15 22:	0.2	CSXT	Y23014	TAMPA	FL
HOOPPOINT	FL	CONSTR PLC	E	04/17/15 07:	27.6	CSXT		TAMPA	FL
HOOPPOINT	FL	ARRIVAL FINAL	E	04/17/15 04:	0.1	CSXT		TAMPA	FL
TAMPA	FL	DEPARTURE	E	04/17/15 01:	0.1	CSXT	Y32216	TAMPA	FL
TAMPA	FL	ARRIVAL FINAL	E	04/15/15 13:	1.5	CSXT	X44115	TAMPA	FL